



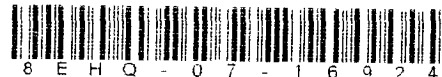
**KRIGEL & KRIGEL, P.C.**  
**LAW OFFICES**

STEVEN J. BRAUN

306609  
RECEIVED  
07 AUG 23 AM 6:04  
[sbraun@krigelandkrigel.com](mailto:sbraun@krigelandkrigel.com)

August 15, 2007

TSCA Confidential Business Information Center (7407M)  
EPA East - Room 6428 Attn: Section 8(e)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001



CONTAIN NO CBI

Re: TSCA 8(e) Report of Information Received by U.S. Toy Co., Inc. from the  
Consumer Product Safety Commission and Recall Information

Dear Madam or Sir:

I represent U.S. Toy Co., Inc.. My client received certain information from the Consumer Product Safety Commission (CPSC) in connection with their recall of children's jewelry which the CPSC's tests found contained lead in certain components. We believe that the fact of these recalls has actually been made available to the EPA Administrator previously in the form of CPSC press releases. U.S. Toy therefore believes that no TSCA Section 8(e) report is required from them under 15 USC Chapter 53, Subchapter I, Sec. 2607(e) or any associated regulations (including but not limited to 40 CFR 716.1 et seq and 717.1. et seq.). In addition, U.S. Toy has no knowledge that any products or items from its inventory were among those actually tested by the CPSC and found to contain lead. In connection with one recall, we are certain that none of U.S. Toy's inventory was tested, as noted below.

Out of an abundance of caution, however, we are making this information available to the EPA to comply with whatever requirement for TSCA section 8(e) reporting might be found to exist.

1. Recall of Children's Butterfly Necklaces - CPSC Press Release #07-051, December 13, 2006.

This press release and recall followed a written notice from the CPSC dated November 30, 2006 informing U.S. Toy that two children's Butterfly Necklaces, Item JA 442, with a metal chain and clasp were purchased from a retail outlet, [www.partypalooza.com](http://www.partypalooza.com) on October 20, 2006. This notice reported on the results of tests by the CPSC showing a percentage of lead by weight and a 6-hour lead extraction of in terms of micrograms for the metal pendants and clasps. If you do not have, but wish to obtain the specific test results, please contact the CPSC directly. We have no independent confirmation that the tested items were in fact sold by U.S. Toy Company to Partypalooza. We have no independent testing results confirming the findings of

lead content by the CPSC, nor any other information confirming any substantial risk of injury to health or the environment associated with this product.

2. Recall of Children's Butterfly Necklaces - CPSC Press Release #07-082, January 18, 2007.

This press release and recall followed a written notice to U.S. Toy Company from the CPSC dated January 4, 2007 informing U.S. Toy that two children's Butterfly Necklaces on a black cord, Item JL 293, were purchased from a retail outlet, Smilemakers, Inc., on December 6, 2006. This notice reported on the results of tests by the CPSC on orange paint on the necklace pendant showing a percentage of lead by weight and a 6 hour lead extraction in terms of micrograms. If you do not have, but wish to obtain the specific test results, please contact the CPSC directly. We have no independent confirmation that the items tested by the CPSC were sold by U.S. Toy Company to Smilemakers, Inc., which buys from multiple vendors. In fact, U.S. Toy sold no butterfly pendants with orange paint, the only paint color found by the CPSC to contain lead. We have no independent testing results confirming these findings of lead content of the pendants by the CPSC, nor any other information confirming any substantial risk of injury to health or the environment associated with this product. The manufacturer's testing revealed no detectable lead in the pendants which were part of U.S. Toy's inventory.

Despite the fact that U.S. Toy Company could not confirm that any of its inventory had been tested by the CPSC, and that we could confirm that none of its inventory contained the orange paint tested by the CPSC, U.S. Toy Company voluntarily recalled these items. Of the 1779 packages of JA 442 (12 necklaces per package) recalled, 67 have been returned to U.S. Toy Company. Of the 6185 packages of JL 293 (12 necklaces per package) recalled, 270.85 packages have been returned. These recalls are still in effect, so these are not final numbers.

All returned items are being stored by U.S. Toy Company. We do not expect to receive instructions from the CPSC on how to dispose of them. We would encourage the EPA or the EPA and CPSC to jointly determine how U.S. Toy Company is to dispose of these toys, or what limits exist on permitted disposal methods, and to communicate that decision and information to us as soon as possible.

To summarize, U.S. Toy Company has no information concerning these products other than information contained in written notices and press releases from the CPSC, which information we believe has been made available to the EPA Administrator or is available to the EPA Administrator. We have no independent confirmation of the CPSC's findings of lead content in the recalled products. We have testing results contradicting the CPSC tests as to the lead content of pendants covered by the January recall. We have confirmed that none of U.S. Toy's inventory contained the orange paint which was the reason for the January 2007 recall, but recalled the necklaces despite this fact.

TSCA Confidential Business Information Center


August 15, 2007

Page 3

Other than the fact that the CPSC testing revealed the presence of lead in components of the recalled toys, which information is contained in the public press releases, U.S. Toy has no other information confirming any substantial risk of injury to health or the environment associated with these products. U.S. Toy is unable to state whether the test results obtained by the CPSC do or do not confirm any substantial risk of injury to health or the environment associated with these products. Thus, we believe U.S. Toy Company has no duty to file a TSCA 8(e) report. We are providing the information contained above out of an abundance of caution.

Sincerely,

Krigel & Krigel, P.C.

  
Steven J. Braun

cc: Michael Klein, U.S. Toy Company